

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri. S.Radhakrishnaiah S/o Venkataswamy, Yathalooru (V), Venkatagiri Mandal, Nellore District, under Section 7 of Act 16 of 1993, against the Proceedings dated 9.3.1995 of the District Collector, Nellore - Rejected – Orders –Issued.

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SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 56

Dated: 3-6-2009  
Read the following:-

- 1.Proceedings of the District Collector, Nellore, Rc.C5/8757/91, Dated: 9-3-1995.
- 2.Appeal Petition filed by Sri. S.Radhakrishnaiah S/o Venkataswamy, Yathalooru (V), Venkatagiri Mandal, Nellore District, Dated:3-1-2006.
3. Govt. Memo No.52/CV.2/2006-1, Dated: 3-2-2006.
- 4.From the District Collector, Nellore, Lr.No.Ref.C5(M)/1832/2005, Dated:4-4-2006.
5. Govt. Memo No.52/CV.2/2006-3, Dated: 3-9-2007.

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**ORDER:**

Sri. S.Radhakrishnaiah S/o Venkataswamy,, has filed appeal petition, dated 3.2.2006 before Govt. against the Proceedings, dated 9.3.1995 issued by the District Collector, Nellore, for cancellation of his ST “ Yanadi ” Caste Certificate, and submitted the following grounds:

- 1.The order of the 1<sup>st</sup> respondent in canceling the caste certificate issued in favour of the appellant is not legal and the same is based on no evidence.
2. The 1<sup>st</sup> respondent ought to have seen that the report of the MRO. Venkatagiri, dated 29-8-1991 clearly shows that the appellant belongs to the Schedule Tribe Community. The 1<sup>st</sup> Respondent has taken into consideration the minor discrepancies in the oral evidence that has been adduced by the Villagers and basing on the same came to the conclusion that the appellant is not born to Penchamma.
3. The 1<sup>st</sup> respondent ought to have seen that the caste of the appellant in the school register was shown as Schedule Tribe. In fact the appellant herein was admitted in a school meant for schedule tribe category and ought to have held that the appellant belongs to schedule tribe category.
4. The 1<sup>st</sup> respondent ought to have seen that if really the appellant was born to Venkataswamy through the first wife his caste should have been as Muthairaju, belonging to Backward class as was shown in respect of the four children of his father through his first wife.
5. The 1<sup>st</sup> respondent erred in law in rejecting the oral evidence adduced on behalf of the appellant to show that his father was having illegal intimacy with penchala and the conclusion of the 1<sup>st</sup> respondent is not correct.
6. The 1<sup>st</sup> respondent erred in law in disbelieving the oral evidence only on the ground that they have failed to mention in the first statement that the appellant is born through second wife of Venkataswamy.

2). Govt. has requested the District Collector, Nellore, to furnish parawise remarks and connected records on the appeal filed by Sri.S.Radhakrishnaiah. The same has been furnished. The remarks of the District Collector, Nellore, are as under:

1. The Manager B.H.E.L., Hyderabad has requested to enquire into the caste status of Sri. S. Radhakrishnaiah, an employee of their Organization. The matter was referred to the Mandal Revenue Officer, Venkatagiri for enquiry and report through the Sub-Collector, Gudur. The Mandal Revenue Officer, Venkatagiri, has submitted his report to the Sub-Collector, Gudur and on the basis of MRO' s report, the Sub-Collector, Gudur has reported that Sri.S.Radhakrishnaiah belongs to "Mutharasi" Caste. The Sub-Collector, Gudur, has submitted a copy of the report of the Mandal Revenue Officer, Venkatagiri along with record of enquiry. As seen from the report of the Mandal Revenue Officer, Venkatagiri, Sri.S.Radhakrishnaiah is the son of Sri. S. Venkataswamy, that he is locally known as Krishnaiah and belongs to Yathaluru Village and that Sri.S.Venkataswamy is also having 4 other sons. The Mandal Revenue Officer during his enquiry has enquired the following persons and recorded their statements (1) Sri. Sriram Subbaramaiah, Village Servant of Yataluru Village (2) Villagers of Yataluru (3) Sri.B.Rosireddy, Sarpanch of Yathalur. The above persons have stated that they know pretty well about Sri.S.Venkataswamy and he got five sons and belongs to "Mutharasi" by caste.
3. Again the Sub-Collector, Gudur, was requested to enquire into the matter personally. The S.C. Gudur has enquired into the matter personally and submitted his report that the statements of (1) Sri S. Radhakrishnaiah (2) V.A.O., Yataluru (3) Sri Sriram Subbaramaiah, Village Servant, Yatalur (4) Sri. B. Rosireddy, Sapanch, (5) Sri.P.Eswaraiah (6) Venkataswamy, father of Radhakrishnaiah and that a Statement of Sri.N.V.Krishnaiah, M.L.A., Sirisilla was also filed during the enquiry. Analyzing the statements, the S.C. Gudur has reported that Sri.Rosireddy Sarpanch, Sri.P.Eswaraiah and Sri.N.V.Krishnaiah, M.L.A., Sirisilla, Karimnagar District have state that Sri Venkataswamy the father of Sri.S.Radhakrishnaiah has got two wives, the first wife Mutharasi and the 2<sup>nd</sup> wife Girijan, Sri. Rosireddy, and Sri.Eswaraiah have stated that the second wife Penchalamma, Girijan is presently no more and that where as Sri.N.V.Krishnaiah is silent on this point. Sri.Venkataswamy, in his statement Dated:1-3-93 has stated that he got intimacy with a Girijan lady by name Penchalamma and got a son by name Radhakrishna and that he did not say whether she is alive or died. But in his statement Dated: 15-4-93, he had stated that he got a second wife by name "Penchala" and got a son Radhakrishna and after the death of Penchalamma, he admitted his son Radhakrishna in S.T. Boys Hostel at Srikalahasti and that Sri.Venataswamy is silent about the parentage of his second wife. Sri. Sriram Subbaiah, a close relative of Venkataswamy also did not say anything about the family details of Sri Venkataswamy. If Sri. Venkataswamy has married Penchala really, these people would have emphatically stated the truth. They know perfectly well that

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Venkataswamy has only one wife and 5 children through her only. Sri.Venkataswamy has stated that Radhakrishnaiah was never with this family. He completed his I.T.I in 7/83 and got job in 1987 in BHEL. The Sub-Collector, Gudur, has finally requested that due to above reasons, prime facie, the statements of all the persons, who gave statements in support of the caste as S.T. are false and frivolous and conferred the caste of Sri.Radhakrishnaiah as "Mutharsi". All the family members, V.A.O., Village Servant were called on for personnel hearing and enquired about Penchamma, the fictitious Girijan lady. They did not say anything except she died after giving birth to Radhakrishna and have failed to produce any documentary, or circumstantial evidence to show that Sri.Radhakrishnaiah is the son of Penchamma, Girijan Women.

The District Collector, Nellore has further stated that as seen from the statements filed along with the record of enquiry, the following variations are noticed.

1. Sri. Sriram Subbaramaiah, Village Servant of Yatalur (V), a close relative of Sriram Venkataswamy, in his statement Dated:28-8-91 has stated that he is working as Village servant, for the last 15 years and he know Venkataswamy and that he got 5 sons and belong to Mutharasi by caste. In his 2<sup>nd</sup> statement Dated:1-3-93 he has stated that he come to know that Venkataswamy had a son by name Radhakrishnaiah a Girijan Woman. If this is correct he should have stated about the same in his first statement it self.
2. Sri.P.Easwaraiah and 3 others in their statement Dated:28-3-91, have also stated that they know Venkataswamy who got five sons and they belong to Mutharasi by caste only. Again, in a statement Dated:1-3-93, Sri.P.Eswariah has stated that he come to know that Venkataswamy married the Girijan lady and Sri.S.Radhakrishnaiah is the son through the Girijan lady. If this is true he should have state the same in the first instance it self.
3. Sri.B.Rosereddy, Sarpanch, in his statement Dated:28-9-91 has state that he know Sriram Venkataswamy and that he has 5 sons and they are "Mutharasi" by caste. Again in his statement Dated:1-3-93, he has stated the other version. The above inconsistent statements prove that Sri.Venkataswamy belongs to Mutharsi by caste and he got only wife by name Penchamma and he got 5 sons and Sri.S.Radhakrishnaiah, an employee in the BHEL is also one among them and he belongs to Mutharasi, but not S.T.
4. Based on the above facts, and as per procedure the case was decided that Sri Radhakrishnaiah S/o Venkataswamy, presently working in BHEL, Hyderabad belongs to "Mutharasi" Caste only recognized as B.C. and accordingly, his caste certificates issued in F.Dis.4463/87 F.Dis/181/87, F.Dis1316/84 by the Mandal Revenue Officer, Venkatagiri, Tahsildar, Venkatagiri were cancelled in District Collector's Proceedings RC. C5.8757/91, Dated:9-3-1995.

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3). The case was posted for personal hearing on 17-9-2007. The counsel for the appellant was attended and argued the case. On careful examination of the grounds for appeal in the appeal petition enquiry reports, findings of District Level Scrutiny Committee and other materials on file, it is found that:

- i) The contention of the appellant is that the action of the District Collector, Nellore is not legal and is based on no evidences and that the appellant's father was having illegal intimacy with "Penchala" and he was born to her. All these grounds are baseless and not correct.
- ii) The Sub-Collector, Gudur, has enquired into the matter personally and found that Sri.Venkataswamy, father of the appellant belong to "Mutharasi" caste. He married Penchamma and got five children and all are belong to "Mutharasi" caste. The tale of the appellant that his father had illegal intimacy with a woman called Penchala who belong to Yanadi ST community and that he was born to her is a fabricated false story with an intention to grab benefits under ST community. His alleged mother Penchala is no more and neither her nor her relatives' origin is not known. The appellant was brought up by his father who belongs to "Mutharasi" caste. The candidate had never undergone the social disabilities as member of ST as appealed by the appellant. The appellant has no proof that his mother belongs to ST and he was born to her.

4). Therefore, in view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, and under Rules made there under in G.O.Ms.No.58, SW (J)Department, dated 12.5.1997, the Appeal Petition filed by Sri. S. Radhakrishnaiah S/o Venkataswamy, is hereby rejected, upholding the Proceedings of the District Collector, Nellore, in proceedings No. .C5/8757/91, Dated 09-03-1995. The Stay granted in Memo No. 52/CV.2/2006-2, dated 3.3.2006 is hereby vacated.

5). The records received from the District Collector, Nellore, through the reference 4<sup>th</sup> read above, are return herewith in original to him, and he is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Nellore District (WE).

File bearing No.D.is (C4)8757/91, Dated:19-11-97  
containing pages 302 CF+30 NF.

Sri. S. Radhakrishnaiah, S/o Venkataswamy,  
Yathalooru (V), Venkatagiri Mandal, Nellore District.

Sri.R.Chandra Reddy, Advocate,  
254/3RT, Sanjeva Reddy Nagar,  
Hyderabad-500038.

Copy to:

The PS to M(TW & RIAD) /PS to Prl.Secretary (TW)

The Director of Tribal Welfare, Hyderabad.

The Managing Director, BHEL., Ramachandrapuram, Hyderabad, Medak District.  
Sf/SC.

//Forwarded::By Order//

SECTION OFFICER.